PDF PAGE 1, COLUMN 1

Solicitor Dorsey Hammers Frank New Trial Motion

COURTS MUST KEEP RESPECT OF PEOPLE ARGUES SOLICITOR

Frank Verdict Must Not Be

Upset If Administration of Law Is Not to Be Brought Into Contempt, Says Dorsey

---

TAKES A BOLD STAND AGAINST A NEW TRIAL

Solicitor Denies Racial Preju-

dice by Henslee or Commu-

nity Against Frank – Opens

Hard Upon the Defense

If the verdict of guilty against Leo M. Frank in the Mary Phagan murder case is set aside upon such trivial grounds as the convicted man’s lawyers recite in their motion for a new trial, it will justify very largely the contempt in which authorities say the people are beginning to hold their courts and the administration of their laws, said Solicitor General H. M. Dorsey Tuesday morning in the hearing before Judge L. S. Roan.

No bias that can be recognized legally as such has been proved against Henslee or any other member of the Frank trial jury, maintained the solicitor. No prejudice existed against Frank because he is a Jew. Mr. Dorsey characterized that as a slander upon the county. There was abroad in the community a sentiment calling for the death of the guilty man, said he, but it is a perfectly proper sentiment—the sentiment of the law itself. The lawyers for the defense knew all about Henslee before they passed him to the jury, he asserted confidently. They had strikes remaining at their command when they accepted Henslee, said the solicitor. They have been reduced to desperate straits, and have combed the

state of Georgia for material which they might use, and have seized upon slight things to lend color to their argument, said he. They have painted a prejudice against Frank because of his race and religion, whereas there was no prejudice save such as a community feels normally against a man accused convincingly of fearful crime, said he. He believes that the old English rule of law, to try a man and end it there without later technicalities, may be right after all, he said.

Mr. Dorsey began speaking late Monday afternoon, and had no more than started when adjournment of court interrupted. He resumed Tuesday morning; and will continue Tuesday afternoon. When he concludes, Attorney Luther Z. Rosser, for Frank, will make the concluding argument in the case.

WOULD JUSTIFY CONTEMPT.

“Contempt of the courts and of the administration of law, which some authorities say is growing, would be justified largely if this verdict is set aside upon such trivial grounds of bias and prejudice,” said the solicitor, continuing his answer to the charges against Juror Henslee.

“If even before the trial the defense had gathered proof of what they allege now against Henslee and possessed it in detail when this juror was being examined, he never would have been disqualified. They would have had to strike him if they wanted to keep him off the jury. “If Henslee went on the jury without the defense knowing his history fully and well, It was the first time when these two gentlemen were interested together that they ever went to trial without knowing all that could be learned about every man in the box.

KNEW ALL ABOUT HIM.

No; they knew all about him before they accepted him. When they passed him into the jury box, they had strikes left. No six other lawyers in Georgia possess together the machinery and

trained men that Mr. Rosser and Mr. Arnold have for getting data on prospective jurors.

Mr. Dorsey went minutely into the several affidavits attacking Henslee. He endeavored painstakingly to pick each one to pieces, ridiculing it while he analyzed it. He said that the showing of the defense on this point is absurd. The only thing to give weight to the affidavits, said he, is that they are numerous. They show that the defense has gone over the whole state of Georgia with a fine tooth comb to get anything against any juror. The affiants charge that Henslee said things against Frank in the hearing of others.

Why don't they bring affidavits from those other people?" he demanded. "If these affidavits can be corroborated, why aren't they corroborated?"

He said that the impeachment of some of the deponents, by the state, showed up the weakness and desperation of the defense to get something to stand upon.

NO LEGAL BIAS PROVED.

“But no matter if Henslee did say every last thing they charge against him,” said the solicitor, “the question is, has any bias or prejudice been shown? It has not been asserted that Henslee knew either Leo M. Frank or Mary Phagan. It has not been shown that he heard a word of evidence, under oath. Even if it were shown that he had formed an opinion based upon wild rumors and newspaper stories, that would prove bias or prejudice.”

Attorney Rosser interrupted the course of his argument with some remark, and Mr. Dorsey paused and turned to him with a smile.

“All right,” said the solicitor. “I don’t mind being interrupted. I listened without interruption to Mr. Arnold for three days while he ranged far and vide to draw upon scenes and statements in other times and lands and

(Continued on Page 2, Col. 3.)

PDF PAGE 2, COLUMN 3

COURTS MUST KEEP RESPECT OF PEOPLE ARGUES SOLICITOR

(Continued From Page 1.)

misquoted the records of this case. But you gentlemen are welcome to interrupt me whenever you will."

QUESTIONS SPARTA CHARGES.

Regarding the Sparta affidavits against Henslee, Mr. Dorsey said, "We don't know what the pipe lines are to Sparta or what the connections were. We don't know anything about the circumstances of the alleged conversation, and we don't know how much conclusion and deduction was drawn by these affiants

from what Henslee actually may have said. We don’t know how easily they might have misinterpreted innocent words by him.”

ANOTHER VIEW OF HENSLEE.

The solicitor declared that if the time for producing affidavits had been extended a little longer, he could have introduced affidavits from citizens of Georgia that Henslee, talking to them before the trial, expressed a belief in the innocence, not the guilt, of Frank.

He said that Attorney Rosser’s implication that Henslee’s order book, submitted as an exhibit with his affidavit, had been written all at one sitting and, therefore, that it might have been doctored to suit the situation, was an illustration of the desperate straits to which the defense had been reduced in search of color for their charges.

The Sparta affidavits that Henslee prefaced speeches against Frank with the remark that he had been summoned on the jury, are the merest buncombe, said Mr. Dorsey, that he ever saw introduced into a court room.

The defense has become so reckless with its charges, said he, that now it calls not only Henslee but every other man of the Frank jury, a coward and compares them to twelve scared rabbits.

DENIES RACIAL FEELING.

“In the name of the Gentile race and of all self-respecting members of the Jewish race,” said he, “I deny that there is any feeling against Frank because he is a Jew. The feeling is there because he is a criminal of fearful type.”

He said that crowds around Georgia court houses and jails have yelled “lynch” that man and “hang” this man of the Gentile race who stood accused among them of great crime. But there were no such shouts around the court house when the Frank trial was being held, said he.

“The charge by attorneys for the defense that the people of this community have been carried away by prejudice against a Jew is a slander upon the citizenship of this county,” declared Mr. Dorsey with vehemence.

Because the people who commissioned him, said Mr. Dorsey, saw fit to cheer him, the defense lawyers have distorted the incident into a demonstration against Frank. According to the record, the crowd did cry “Hurrah for Dorsey,” he admitted; but that was quite different from cries of violence against the accused.

PEOPLE'S OWN COURT.

He took up the defense’s attack upon the character of people in court, and declared that it is a just and wise provision which admits the people to see their own laws administered in court and which permits them to stay there as long as they do not interfere with the functions of justice.

“As long as they do not interfere with the court, I submit that the people have a right to express their approval,” said he.

He declared that he had no answer to make to the charges against him individually by attorneys for the defense.

“They may say, if they want to. that I am trying to bring the penalty of the law upon Leo M. Frank because he is a Jew,” said Mr. Dorsey, “and it matters not, because I know in my own heart that it is because he is a criminal offender against the laws of this state. I submit that this attack on me is an attack on your honor and on the jury and the community as well.”

He declared that Henslee did his full duty as a citizen by serving upon the Frank jury, and he deplored the attack upon Henslee for doing that duty. “But Henslee is not more attacked as a man than your honor is as a judge,” said he.

THE COMMUNITY'S SENTIMENT.

He referred to Henslee's affidavit, that he did remark that he thought the murderer of Mary Phagan, however, he might be, should be hanged. That was the sentiment of the whole community, said Mr. Dorsey; it was the sentiment of the law, and the judge expressed it when he pronounced sentence of death on Frank.

As “a lot of tommyrot,” he characterized Attorney Arnold’s dissertation on capital punishment and his prediction that it will be relegated soon as a relic of barbarism.

He praised the members of the jury. They realized the burden that lay upon them, said he, when they entered the court room to answer their summons. For twenty-nine days, while they were bored by evidence and bored by argument, their demeanor was that of conscientious men striving to learn the truth and do their full duty.

"I am not so sure but that the old English rule, to try a man and let it end there, without all these technicalities, is right, after all," said he.

EMOTION WAS GENERAL.

He commented on Henslee’s statement in his affidavit, that he (the juror) wept as he agreed to the verdict of guilty, as portraying the same depth of feeling which impressed all who were connected with the case at that momentous stage of it. He himself felt it, said the solicitor, and it weighed heavily on him when Judge Roan told him to poll the jury. So profoundly impressed was he that he broke down in the act of asking the formal questions, and the judge had to come to his assistance. It was the first time he ever had polled a jury in Judge Roan’s court, he said; and the fact that the judge instructed him to proceed with it indicated to his mind that the judge also was moved by the prevailing stress of emotion.

Attorney Hooper Monday afternoon discussed only the charge against Henslee as a biased juror, and the allegations that the verdict was affected by applause in court. He said the fact

that Henslee got an order for eight buggies from Farkas in Albany on the day Farkas says he talked against Frank there, was proof on its face that Henslee did not say the things to Farkas which are now alleged. He paid a tribute to the Frank jury as “the finest and most intelligent body of men” he ever saw, and said it rendered its verdict “without fear in its heart or blood on its conscience.” Mr. Hooper said the court of appeals has been charged with mistakes, but even if it has been making them it will stop soon when Judge Roan goes upon its bench. Judge Roan interrupted with a smiling protest.

JUDGE DISCLAIMS IT.

"I am afraid it will make more mistakes than ever, if I have erred 115 times in this one case," said the judge.

PDF PAGE 9, COLUMN 2

Decision Rendered in Favor of Speakers Who Would Abol-Ish Capital Punishment

---

“Should Capital Punishment Be Abolished?” was the subject of a debate held Monday evening under the auspices of the Jewish Educational Alliance. Speakers on the affirmative side of the question illustrated their arguments with impassioned references

to the alleged injustice of the verdict in the Frank case and the unfairness of the ritual murder trail at Kiev, Russia. The judges gave the decision to the speakers for the affirmative who opposed the death penalty.

Sam Eplan and A. Gilstein were the winning debaters. They declared that innocent men are too often hanged on flimsy circumstantial evidence and pointed out the fallibility of human testimony and the irrevocable nature of the death penalty. S. H. Ruskin and M. Zaban made strong arguments in favor of capital punishment. The judges were Leonard J. Grossman, Milton Klein and Mr. Lefkroft.

Next Monday evening “Compulsory Education” will be the subject of the debate, and the subject for the week following will be “Co-Education in Atlanta’s High Schools.”

PDF PAGE 11, COLUMN 1

NOVEMBER GRAND JURY TO MEET NEXT MONDAY

Present Grand Jury Will Meet

Thursday, Make Present-ments Friday

The grand jury for the November term has been drawn and will meet Monday for organization. The present grand jury will meet Thursday to prepare its presentments, which will be given out Friday.

The November jury includes B. F. Pim, C. L. Defoor, College Park; T. E. Camp, Bryant’s district; M. C. Strickland, W. F. Manry, henry A. Coleman, Hopeville; John Aldridge, R. E. Richards, W. Pattillo, W. C. Smith, Sam D. Jones, Morton Smith, R. F. Shedden, J. M. Beasley, S. B. Scott, A. J. McCoy, East Point; J. T. Rose, Milton A. Smith, Charles C. Mayson, William L. Peel, Frank Weldon, J. D. Leitner, E. A. Haresock, W. H. Mitchell, Oak Grove; W. T. Healey, Herbert M. Milam, C. J. Sullivan, Frank G. Lake, C. C. McGehee, Jr., S. H. Venable.